

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Hermann-Joseph GRONE, et al.

Date: June 13, 2001

Serial No.: 09/787,335

Filed: March 16, 2001

For: CHEMOKINE RECEPTOR ANTAGONIST AND CYCLOSPORIN IN COMBINED
THERAPY

Hon. Commissioner for Patents
BOX PCT (DO/EO/US)
Washington, DC 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
RESPONSE TO NOTIFICATION OF
DEFECTIVE OATH OR DECLARATION

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. § 371 and Notification of a Defective Oath, mailed April 13, 2001, submitted herewith is the Inventor's Declaration and our Check No. 005076 which includes the amount of \$130.00 in payment of the surcharge.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL075474821US) in an envelope addressed to: Hon. Comm. of Patents and Trademarks, Box PCT (US/DO/EO), Washington, D.C. 20231, on June 13, 2001:

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins

Signature

June 13, 2001

Date of Signature

Respectfully submitted,

Edward A. Meilman

Edward A. Meilman

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U.S. APPLICATION NO. 09/787 335

FIRST NAMED APPLICANT

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09/787 335

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INTERNATIONAL APPLICATION NO.

I.A. FILING DATE

PRIORITY DATE

APR 18 2001

DATE MAILED

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☒ Copy of the international application. ☐ Translation of the international application into English.
☒ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☐ Other:
☒ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

PAINIS ORDERED

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☒ U.S. Basic National Fee. ☒ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ c. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Lamont Hunter, Paralegal

Telephone: 703 305-3686

FORM PCT/DO/EO/905 (March 2001)